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OFFICE OF PETITIONS

In re Application of McCarthy et al.	:	
Application No. 10/621,101	:	Decision on Petition
Filing Date: July 16, 2003	:	
Attorney Docket No. UK8096	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 5, 2007, to revive the above-identified application.

The petition is **granted**.

Facts:

A Notice of Allowance requiring payment of the issue fee was mailed August 24, 2005.

A Notice to File Corrected Application Papers was mailed September 29, 2005. The Notice required the submission of the residence address for inventor Dean Carrick. The Notice set a period for thirty (30) days.

The Office did not receive a reply to the September 29, 2005, notice. As a result, the application became abandoned as of midnight on Monday, October 31, 2005.

The issue fee was paid November 23, 2005.

A Notice of Abandonment was mailed August 15, 2006.

The instant petition was filed November 5, 2007.

The instant petition included the petition fee of \$770.

The instant petition was accompanied by a reply to the Notice to File Corrected Application Papers in the form of a supplemental declaration containing a residential address for inventor Carrick.

Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Discussion:

A review of the record indicates petitioner has met the requirements to revive the application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178; 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

The Office of Data Management will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



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Office of Petitions